



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

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[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS  
FOR THE APPROVAL OF A MINOR PARTITION AT 221 SW BILLS STREET.**

- DOCKET:** MP 5-18 (Minor Partition)
- REQUEST:** The applicant is requesting a minor partition to partition an approximately 1.86 acre parcel of land into two (2) parcels approximately 0.63 and 1.23 acres in size.
- LOCATION:** The subject site is located at 221 SW Bills Street, and is more specifically described as Tax Lot 3500, Section 20AD, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site is zoned R-2, F-P (Single Family Residential, Flood Plain).
- APPLICANT:** Marilyn Worrix
- STAFF:** Jamie Fleckenstein, Associate Planner
- DATE DEEMED COMPLETE:** July 26, 2018
- HEARINGS BODY:** McMinnville Planning Director
- DATE & TIME:** September 6, 2018
- PROCEDURE:** Any partition of land is subject to the Land Division Standards and review in accordance with procedures specified in Section 17.53.060 and Chapter 17.72 of the McMinnville Zoning Ordinance. The application for minor partition is subject to the procedures specified in Section 17.72.110 for a Director's Review with Notification.
- CRITERIA:** The applicable criteria are specified in Section 17.53.060 of the McMinnville Zoning Ordinance, McMinnville City Code.
- APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.72.170 of the McMinnville Zoning Ordinance.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION**

Based on the findings and conclusions, the Planning Director **APPROVES** the minor partition (MP 5-18) **subject to the conditions of approval provided in this document.**

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**DECISION: APPROVAL WITH CONDITIONS**  
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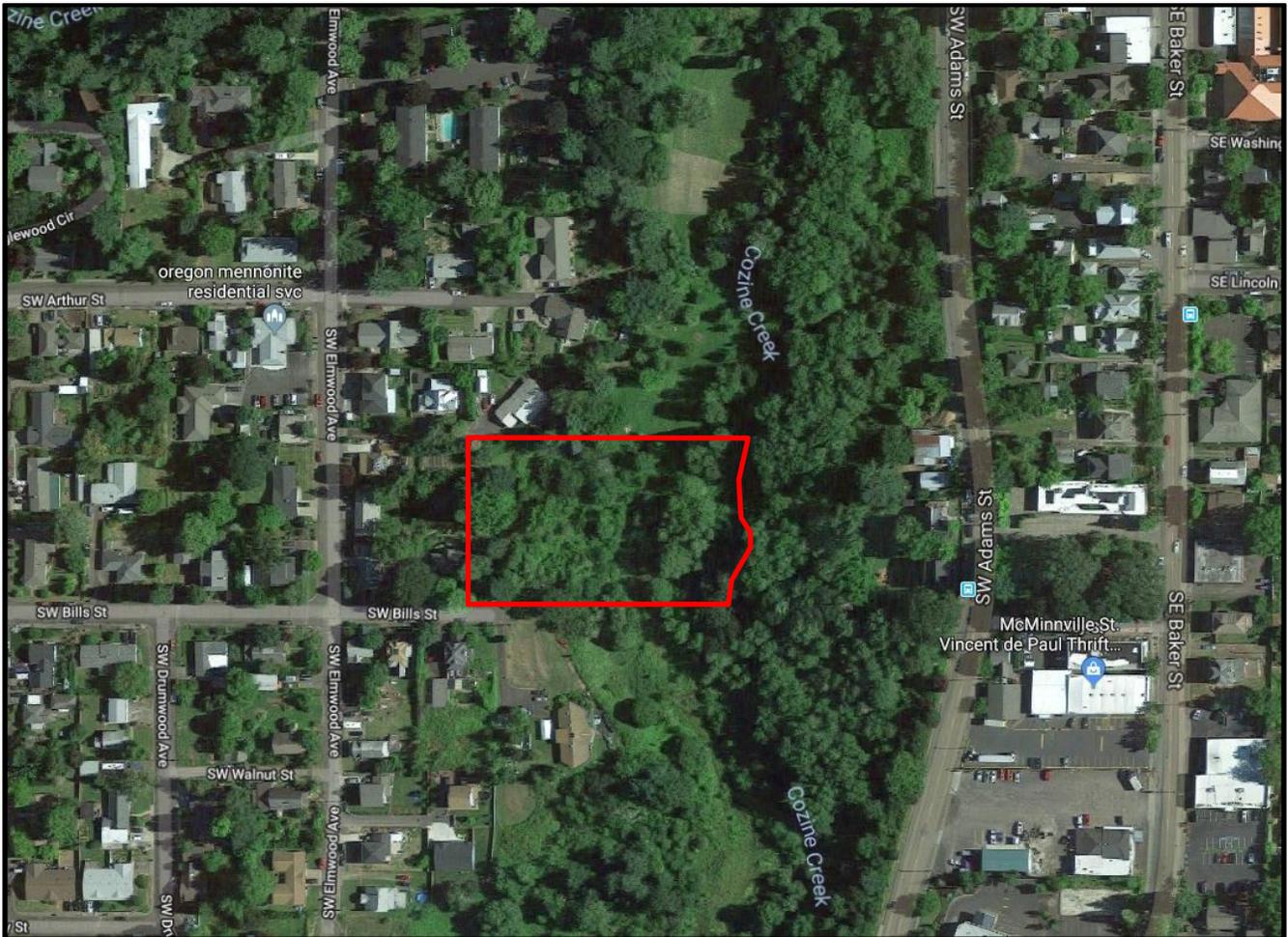
Planning Department:   
Heather Richards, Planning Director

Date: September 7, 2018

**APPLICATION SUMMARY:**

The applicant is requesting approval to partition an approximately 1.86 acre parcel of land into two (2) parcels approximately 0.63 and 1.23 acres in size. The proposed partition would result in two (2) lots suitable for single family residential uses, or any other permitted uses in the R-2 FP (Single Family Residential, Flood Plain zone).

The approximate location of the subject property proposed to be partitioned can be seen below:

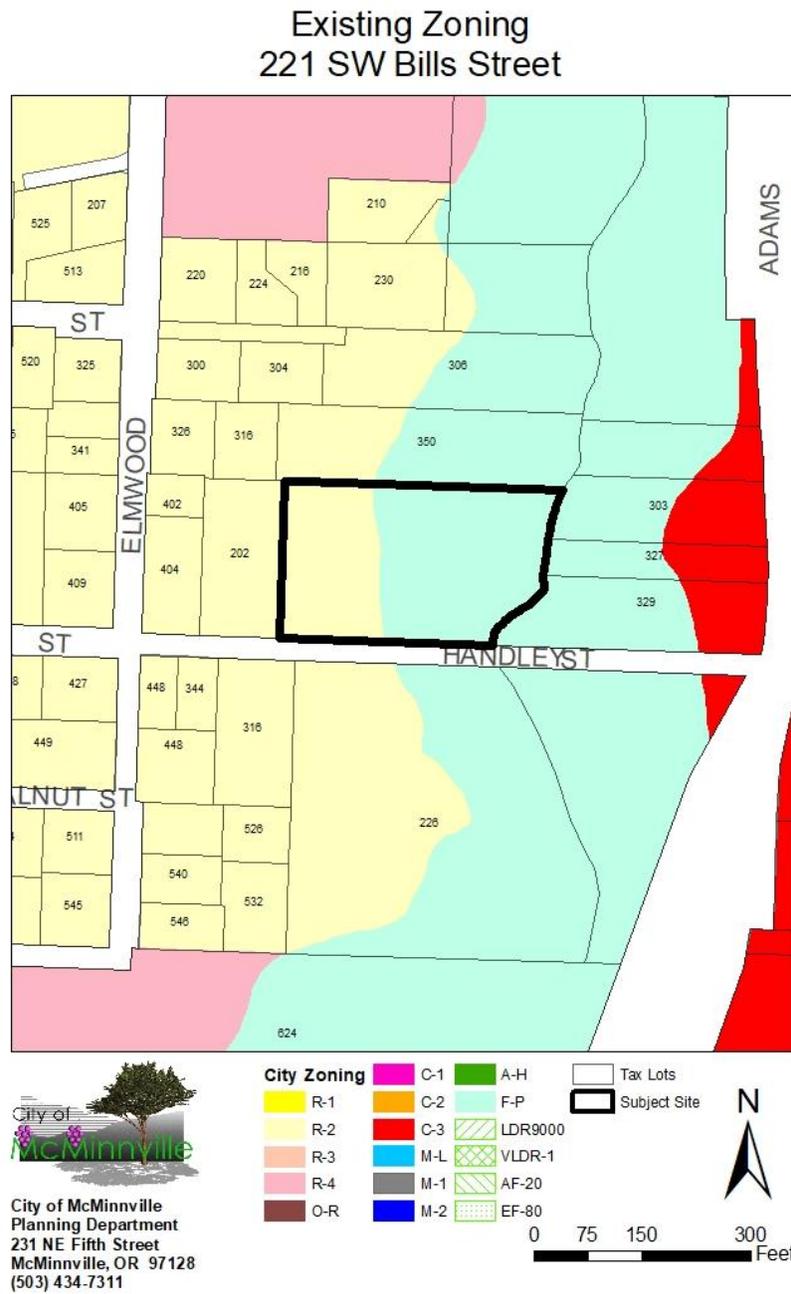


The lot is currently undeveloped with no existing structures. Cozine Creek is the eastern boundary of the property. SW Bills Street provides access to the southwest corner of the property. The existing right-of-way width for SW Bills Street appears to be 30 feet.

**Attachments :**

Attachment 1 – Application and Attachments

The current zoning of the subject property proposed to be partitioned can be seen below:

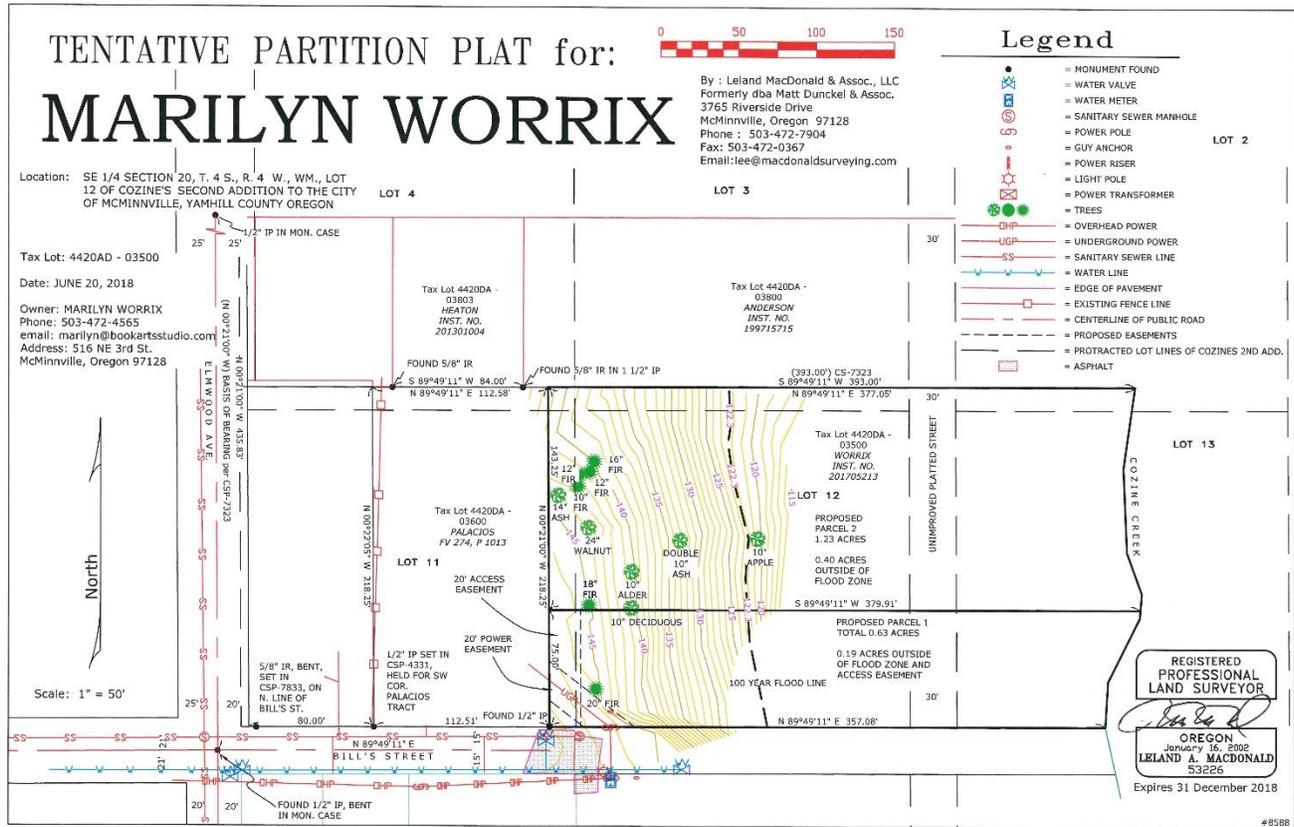


The subject property is zoned R-2 F-P (Single Family Residential, Flood Plain). The flood plain of Cozine Creek extends over the eastern two-thirds (2/3) of the property, approximately.

**Attachments :**

Attachment 1 – Application and Attachments

The proposed partition plat can be seen below:



**CONDITIONS OF APPROVAL:**

The following conditions of approval shall be required:

MP 5-18 is **approved** subject to the following conditions:

1. That the final partition plat shall reflect the location of the public easement that crosses the property on the west side of Cozine Creek.
2. That prior to final approval of the partition plat, the applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate connection to a public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.
3. That the final plat shall reflect the dedication of right-of-way for Bills Street along the property's frontage totaling 25 feet north of centerline.
4. That prior to the approval of the final plat, the applicant shall extend Bills Street to accommodate the proposed driveway to serve the proposed parcels, and shall construct a fire department approved turn-around at the terminus of Bills Street.

**Attachments:**

Attachment 1 – Application and Attachments

5. That prior to the approval of the final plat, the applicant shall enter into a non-remonstrance agreement for the future improvement of Bills Street.
6. That the final plat shall note the dedication of a 10 foot wide public utility easement adjacent to the Bills Street right-of-way.
7. That the location of the surveyed location of the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps (FIRM) as prepared by the Federal Emergency Management Agency (FEMA) be identified on the final plat. The survey datum for the final plat shall be based on the North American Vertical Datum (NAVD) of 1988.
8. That the applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
9. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plat for further consideration, and comply with regulations and conditions applicable at that time.
10. This partition will not be considered a legal partition until such time that a copy of the recorded document is provided to the City of McMinnville's Planning Department.

### **ATTACHMENTS:**

1. MP 5-18 Application and Attachments (on file with Planning Department)

### **COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

#### **Public Agency Comments:**

- McMinnville Water and Light:

Water: Please submit a design Application with payment of \$100 for each lot. MW&L can then provide costs to install two services/meters.

- McMinnville Engineering Department:

We have reviewed proposed MP 5-18, and would note that following items need to be addressed as part of the proposed partition: [...]

Note: Those items needing addressing identified by the Engineering Department were included in conditions of approval number 1 through number 8 as provided in this document.

**Public Comments:**

Notice of this request was mailed to property owners located within 100 feet of the subject site. As of the date this report was written, no additional testimony has been received.

**FINDINGS OF FACT**

1. Marilyn Worrix requested a minor partition to partition an approximately 1.86 acre parcel of land into two (2) parcels approximately 0.63 and 1.23 acres in size.
2. The subject site is located at 221 SW Bills Street, and is more specifically described as Tax Lot 3500, Section 20AD, T. 4 S., R. 4 W., W.M.
3. The subject site is zoned R-2, F-P (Single Family Residential, Flood Plain) and is designated as Residential and Flood Plain on the McMinnville Comprehensive Plan Map, 1980.
4. Bills Street is classified as a local residential street in the City of McMinnville's Transportation System Plan.
5. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
6. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
7. Notice of the application was provided by the City of McMinnville to property owners within 100 feet of the subject site on August 10, 2018, as required by the process described in Section 17.72.110 (Applications – Director's Review with Notification) of the McMinnville Zoning Ordinance. No public testimony was received prior to the Planning Director's decision.
8. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

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**Attachments :**

Attachment 1 – Application and Attachments

**CONCLUSIONARY FINDINGS:****McMinnville’s City Code:**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

**R-2 Single-Family Residential Zone:**

17.15.030 Lot Size. In an R-2 zone, the lot size shall not be less than seven thousand square feet except as provided in Section 17.15.010© of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: The section of the zoning ordinance above is satisfied in that the proposed partition creates lots that meet the minimum lot size requirement of the R-2 zone.

**Land Division Standards – Partition:**

17.53.060 Submission of Tentative Partition Plan. An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:

- A. There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:
  1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;
  2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;
  3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;
  4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;
  5. Outline and location of existing buildings to remain in place;
  6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;
  7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)
  8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.
  9. Contour lines related to City datum and having minimum intervals of two (2) feet.
  10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.
  11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.
  12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.

**Attachments :**

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13. Such additional information as required by the Planning Director.
- B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.
- C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.
1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.
  2. Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.
  3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).
  4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.
- D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.

Finding: The proposed partition, along with the conditions of approval, conforms with the requirements of a tentative partition and the requirements of the underlying R-2 F-P (Single Family Residential, Flood Plain) zoning district in terms of lot size. Notice of the application was provided by the City of McMinnville to property owners within 100 feet of the subject site, as required by the process described in Section 17.72.110 (Applications – Director's Review with Notification) of the McMinnville Zoning Ordinance. No public testimony was received prior to the Planning Director's decision. As a condition of approval, the Planning Director has required dedication of land for right-of-way in accordance with the City of McMinnville Transportation System Plan, which is consistent with the goals and policies of the McMinnville Comprehensive Plan. A condition of approval has been included to confirm that the approval of the tentative partition plat shall be valid for a one-year period from the effective date of decision.

#### Land Division Standards - Approval of Streets and Ways:

17.53.101(B) Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table: [...]

17.53.101(G) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. [...]

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#### Attachments :

Attachment 1 – Application and Attachments

Finding: Bills Street is identified as a local residential street in the City of McMinnville's Transportation System Plan and as such requires a 50 foot right-of-way. Condition of approval number 3 satisfies the sections of the zoning ordinance above by requiring dedication right-of-way for Bills Street along the property's frontage totaling 25 feet north of centerline.

17.53.103(C)(1) Easements – Utility Lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.

Finding: Condition of approval number 6 satisfies the section of the zoning ordinance above by requiring dedication of a 10 foot wide public utility easement adjacent to the Bills Street right-of-way.

17.53.105 Lots.

- A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.
1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.
- B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.
- C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.
- D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing. [...]

Finding: The section of the zoning ordinance above is satisfied in that the proposed partition creates lots that meet the requirements for size, shape, access, and alignment.

JF:sjs